

CHAIRMAN: GEORGE AULEN  
MEMBERS: WILLIAM OLSEN, JAMES PATTERSON & JESSE GALLO  
Alternate: RAEY WEBSTER

VILLAGE OF WARWICK  
PLANNING BOARD MEETING  
FEBRUARY 15, 2018

The monthly meeting of the Village of Warwick Planning Board was held on Thursday, February 15, 2018. Present were: George Aulen, Bill Olsen, Jim Patterson, Jesse Gallo, Village Engineer, David Getz and Planning Board attorney, Robert Dickover. Others present were: John Christison, John Cappello, Ross Winglovitz, John McGloin, John Johansen, Michael Cuzzo, Robert Silber, Kirk Rother, Keith Woodward, Ron Charlton, Robert Schluter, David Griegs, Barry Cheney, Jim Neujahr, Patrick Gallagher and others.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to accept the minutes of the January 18, 2018 Planning Board meeting. (4 Ayes)

16 ELM STREET

SITE PLAN APPROVAL

16 ELM ST. LLC

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Mr. Getz – The applicant has submitted cost estimates for the privacy fence and the Spruce trees to be used for screening the neighboring properties and we found those proposed costs to be reasonable. I would like to change one of the comments; it was pointed out to me by the Planning Board attorney, that the fence does not need to be bonded. In my comment, I mentioned that there should be a Performance Bond for the fence and the Spruce trees should be covered with a Maintenance Bond. The fence can be considered and treated as a condition of Certificate of Occupancy so I believe that is a better way to handle it.

Mr. Dickover – It is part of the site improvements that has to be done before the Certificate of Occupancy is issued.

Mr. Getz – We reviewed the proposed description of the Drainage Easement that is being offered to the Village in the parking lot area and had one minor correction we requested and that has already been made in a subsequent submission. At the last meeting, Mr. Patterson brought up a detail on grease traps. The DEC recommends a small separate chamber that allows for sampling just downstream and that has been added to the plans in accordance with those standards. So, in summary, from my point of view, with the changes that were made to Notes and details, they have satisfactorily met with our comments.

Mr. Aulen – Has everyone received copies of the Drainage Easement?

The Board acknowledged the receipt.

Mr. Aulen – Any questions?

Mr. Olsen – What is the bonding on the trees? Replacement?

Mr. Getz – It is a 3 year bond...

Mr. Olsen – Is that standard?

Mr. Getz – Yes, if those trees do not survive during that period...

Mr. Olsen – The first 3 years?

Mr. Getz – Yes, now after that period, if they do not survive or are damaged in some way the Village can still enforce the fact that screening is needed but this way we know that the initial period is covered.

Mr. Aulen – Does the applicant have anything to add?

Mr. Cappello – No, we have fully submitted.

Mr. Aulen – The site plan is okay, Mr. Getz?

Mr. Getz – Yes.

Mr. Aulen – So the next step would be a Resolution? Do we have a Resolution for Final Approval?

Mr. Dickover – From the comments made at the last Board meeting, I did a draft working copy of a Resolution approving the site plan with conditions.

Mr. Dickover read through the draft Resolution.

Mr. Dickover – Are there any additional engineering comments that need to be addressed on the plan?

Mr. Getz – No.

Mr. Dickover – That would be the extent of the Resolution with it's conditions, Mr. Chairman, unless of course Board members have things that they need added.

Mr. Patterson – I do not have anything to add.

Mr. Gallo – I may have one thing to add, there was a letter from Steve Gross dated February 8<sup>th</sup> ...

Mr. Dickover – It was received after the draft for the Resolution was drawn and it was after the comment period from the closure of the public hearings so we did not address it. We can add it as something if the Board members have seen it.

Mr. Aulen – I don't believe I have seen that...

Mr. Olsen – It was received by e-mail.

Ms. Secretary – Yes that is how I received it.

Mr. Dickover – We can add it if you want.

Mr. Aulen – What would we add?

Mr. Dickover – We would just make mention that we received it.

Mr. Aulen – Fine. I did see something in my e-mail with a Copper mine letter attached to it...

Secretary – Yes, that is the letter.

Mr. Aulen – Do we have Copper mines around here? I don't think so.

Mr. Dickover added the letter received from Steven Gross dated February 8, 2018 to the list under Public Hearing on the Resolution.

A MOTION was made by Bill Olsen, seconded by Jim Patterson and carried to accept the Resolution prepared and read by Planning Board attorney, Robert Dickover to grant Final Site Plan Approval with the following specific conditions:

- 1) The applicant is to prepare and submit to the attorney for the Planning Board for his review and in such form as may be satisfactory to him and the Village Attorney an offer of dedication and deed in recordable form for an easement running to the Village for an existing drainage way to allow for the entry upon, repair, maintenance and replacement as deemed necessary by the Village.
- 2) The Village is to complete recommended improvements for traffic impacts as noted by the traffic study.
- 3) As-built” plans shall be provided to the Village Engineer for review and approval upon completion of the improvements. The Village Engineer may require a preliminary “as - built” plan sooner if he/she determines that such a preliminary “as-built” plan is required to ensure the suitability and safety of the ongoing construction.
- 4) Construction hours at the project site shall be limited to the hours of 7:00 a.m. and 7:00 p.m. on weekdays and 8:00 a.m. and 7:00 p.m. on weekends. There shall be no construction on Sundays.
- 5) No partial or temporary Certificates of Occupancy/Use shall be issued for any structure within the project unless all of the public and private improvements located within the overall plan have been constructed to completion.
- 6) The second floor of the proposed structure shall be used for restaurant related office and storage space only and specifically not used for the service or preparation of food or drink.
- 7) The issuance of a certificate of occupancy for the restaurant structure to be built within the project area is conditioned upon the applicant installing all site plan improvements inclusive of the privacy fencing and landscaping as provided for on the site plan.

- 8) Prior to and as a condition of the issuance of a certificate of occupancy for the restaurant facility, the applicant shall first post with the Village Clerk a maintenance bond or surety, cash or certificate of deposit, or an irrevocable letter of credit in an amount to be recommended by the Village Engineer and fixed by the Village Board in order to secure maintenance of the site plan landscaping improvements. Such bond or security agreement shall be satisfactory to the Village Board, Village Attorney and the Village Engineer as to form, sufficiency, manner of execution and surety. All such bonds, sureties, letters of credit issued in furtherance of this condition shall provide for at least 45 days prior notice to the Village of Warwick clerk of any due premiums, invoices, or other payment due thereon. A failure to maintain such bond, surety, letter of credit, shall result in the forfeiture of the approval demonstrated by this resolution and thereupon no certificates of occupancy shall be effective until the maintenance bond is re-established to the satisfaction of the Village Engineer, or such security, bond, letter of credit is replaced to the satisfaction of the Village Attorney and Village Board.
- 9) The premises shall at all times be operated, used and managed in compliance with the General Notes that appear on the site plan.
- 10) The certificate of occupancy to be issued upon completion of the improvements shall be specifically conditioned upon and subject to the provisions of General Note No. 13, 13.1, and 13.2 as same appear on the site plan. In furtherance thereof, in the event that the noise levels generated by the restaurant cannot be attenuated to satisfy the applicable Village of Warwick law(s), the use of the porch area as an area for the service and/or consumption of food and/or drink shall cease to be a permitted use thereof and the certificate of occupancy shall be suspended until such use is discontinued, or the appropriate mitigation measures discussed above are installed and the Applicant demonstrates the porch area is in compliance.

## **PUBLIC HEARINGS**

41 SOUTH STREET

SITE PLAN APPROVAL

FLIRT BOUTIQUE

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Mr. Aulen read the public hearing notice.

Mr. Aulen – Does the Board have any questions?

The Board did not have any questions.

Mr. Aulen opened the public portion of the hearing.

Mr. Jim Neujahr, 53 South St.- It is really a question. If this is approved, is there anything that controls signage in front of the building, illumination of the sign, shop windows with lingerie highlighted, the sign that says Flirt in front of it on a residential street where obviously sex is being used to promote their business? Is there anything that controls any of this?

Mr. Aulen – They are requesting a sign approval, approval has not yet been given to them as yet.

Mr. Neujahr – I am reacting to the fact that the Village did approve it and they are open for business, there have been racks of clothing on the sidewalk and these other things and this is a residential area, there are 2 churches up the street. What is there that controls the way this business expresses itself to the public.

Mr. Aulen – The Code Enforcement Officer/Building Inspector would handle that, that is his function not the Planning Boards.

Mr. Neujahr - In the event that this business folds and another one comes in that is an automatic given that they can carry out any kind of business they want in that building, is that correct?

Mr. Aulen – Any retail business, yes.

Mr. Neujahr – Selling sex toys for example...

Mr. Aulen – That is prohibited by the Village Code.

Mr. Neujahr – Is that Code or is it law?

Mr. Aulen – Anything that is controlled by the Village Code, you can not do if it is prohibited and that is the Code Enforcement Officer's job at that point. We are approving this as a retail establishment and at the end of the public hearing we will review the sign application.

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to close the public portion of the meeting. (4 Ayes)

A MOTION was made by Bill Olsen, seconded by Jesse Gallo and carried to adopt the Resolution read and prepared by the Planning Board attorney, Robert Dickover to grant site plan approval to 41 South St. for a retail space. (4 Ayes)

41 SOUTH ST.

SIGN APPROVAL

FLIRT BOUTIQUE

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The Board reviewed the sign application.

Secretary – The sign is located 15ft. from the curb and was reviewed and accepted by the ARB on Jan. 3, 2018.

Mr. Olsen – What is the total square footage of the sign?

Mr. Cuzzo – It is 6 inches less than what is allowed, which I believe is 2ft. x 3ft. Because it is oval it is 6 sq. inches less than what is allowed.

Mr. Aulen – It appears to meet the requirements and we can give approval based upon the Code Enforcement Officer verifying the surface area.

The Board agreed.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to approve the sign conditional upon the Code Enforcement Officer confirming the surface area square footage. (4 Ayes)

## PUBLIC HEARING

VILLAGE VIEW

SCOPING DOCUMENT

VILLAGE VIEW

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Mr. Aulen read the public hearing notice.

Mr. Getz – A couple of minor changes were made for the January 15, 2018 version. I believe affordable housing was added and under the traffic section I believe an intersection was included. Are there any other changes?

Mr. Rother – Mr. Dickover had requested that we include a description of how the proposed development fits in keeping with the purposes of Cluster subdivisions, so we included that in Section 3C. Our traffic consultant actually brought up the fact that we had Woodside and Grand as an intersection to be studied but we did not have Crescent and Grand as an intersection and he suggested that we add it, which we did. The Board also asked that we include a discussion of the sliver of land to be annexed from the Town to the Village and to add a discussion of fiscal impacts as it relates to Affordable Housing brought up by the County Planning Dept. so, we have added those 4 things.

Mr. Dickover – I do not have anything to add. I sent a memo on the issue of the land ownership for the open area but that is going to be discussed in the Scoping Document.

Mr. Olsen – That is in the Scoping Document?

Mr. Dickover – It is mentioned in the document now and it will be included in the Draft EIS.

Mr. Olsen – What about consideration of the property that is in the Town, should that be included?

Mr. Dickover – I think they have added that.

Mr. Olsen – Where?

Mr. Dickover – They make reference to it in the Jan. 31<sup>st</sup> letter in section 4H – Land Use & Zoning – the discussion of the annexation of the land between the Town & Village has been added.

Mr. Olsen – Will it also be discussed if it is not annexed and gets developed as a Town property?

Mr. Rother – I do not know if I have it specifically listed in the Scoping Document as such. I certainly can add it and as went through the process with the 28 lots that were approved we actually did prepare a sketch of what could be built in the Town so we certainly can include that.

Mr. Dickover – It is still part of your plan, you have some up grading retention up there that you are going to have to address.

Mr. Rother – There are 70 contiguous acres in the Town and we had a sketch that showed about 20 single family homes on that and we can include that in the DEIS.

Mr. Aulen – You already have approval for those retention basins from the Town.

Mr. Rother – Yes, we had but it will have to be amended because we are changing them a little bit.

Mr. Olsen – I just want them to be sure and address how the preserve open space actually functions as an open space particularly for wildlife and how it is prevented from being encroached by the neighbors. That always happens particularly on small pieces like this.

Mr. Aulen – Do you think you will have problems getting that small sliver annexed into the Village?

Mr. Rother – I don't know, it is an unusual projection and we are proposing to cross it with the road.

Mr. Aulen – The least you would have to do is to get an agreement from the Town, some sort of maintenance agreement between the Town and the Village if you can not annex the property.

Mr. Rother – On the latest layout I added this house, I took away from another area in the subdivision so we create more contiguous open space along the stream and steep slopes and it just seemed a nice site for a home. If that gets to be too complicated we will probably just put it back.

Mr. Dickover – If you are not able to annex that house would be in the Town so you would have to take that application to the Town of Warwick.

Mr. Olsen – How much acreage is that little pocket?

Mr. Rother – The road piece is less than one-tenth of an acre and the other is probably one-quarter of an acre.

Mr. Dickover – Are you creating that as a separate building lot wholly within the Town or partially in the Village?

Mr. Rother – With this lot I would propose to be a separate lot on land annexed into the Village.

Mr. Dickover – And if you can't...

Mr. Rother – I will take it out and put it back where it was.

Mr. Dickover – So for purposes of the Draft EIS, you speak about it both ways and as your application progresses you will resolve the annexation question one way or another. If it doesn't get annexed, the house would either have to come off because you can't approve it so you would need to show it as proposed building lot and not approved for building purposes.

Mr. Rother – We are not getting additional density by doing this, it is just makes for a better plan.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to close the public portion of the hearing. (4 Ayes)

A MOTION was made by Jesse Gallo, seconded by Jim Patterson and carried to approve the Spicing Document conditional upon no comments within the next 10 days. (4 Ayes)

VILLAGE VIEW

EXT. OF SUBDIVISION APPROVAL

VILLAGE VIEW

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The Board reviewed the letter submitted from the applicant requesting a 90 day extension.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to grant an extension to extend subdivision approval until May 18, 2018. (4 Ayes)

Mr. Aulen – We received a letter from the Village Clerk acknowledging the receipt of an application for a Special Use Permit for the proposed construction of a 36 unit apartment building with parking located on Forester Ave. and referring the application to the Village Planning Board.

Mr. Getz – Mr. Aulen and I met at the site to take a look and I submitted a review letter dated January 10, 2018. There was a pre-application meeting, an informal meeting and discussed the fact that they are considering one building of apartments, perhaps two and perhaps a separate garage building. The plan they submitted has one large apartment building and a separate garage building. It shows a three story building with 36 apartments with 28 two bedroom and 8 one bedroom apartments. Based on the Bulk Requirements it looks like the plan that was submitted will require variances for the front yard and front setback and building height.

Mr. Winglovitz – We agree.

Mr. Getz – The Zoning Code is tricky for this type of use for multiple residences. If there is more than one building, different zoning paragraphs kick in as being applicable. There is actually a second building proposed as a garage...

Mr. Winglovitz – In our opinion the garage is an accessory structure in that the code did not intend that to mean accessory structure with 2 principal uses on the property but really there is only one principal building, which is the 36 unit apartment building.

Mr. Getz – If it is considered 2 buildings then there are other variances; distance between the buildings, number of units in a building & total number of units on the site, it looks like you would need variances for those also.

Mr. Winglovitz – We talked about the interpretation and then we considered removing the structure which would resolve that issue entirely but it does not change anything on the site. We do think that this structure is a good buffer between this building and the Mechanical Rubber building.

Mr. Dickover – Why don't you go before the ZBA and seek an interpretation and if they grant it you will not need a variance and if they say it is second building than seek your variances.

Mr. Winglovitz – We do need to go to the ZBA anyway...

Mr. Aulen – If it turns out to be 2 buildings you would require a tremendous amount of variances...

Mr. Winglovitz – We agree.

Mr. Aulen – When we had our initial concept meeting they spoke of a possibility of having 2 buildings and at that point it became a problem with the number of units.

Mr. Winglovitz – Yes.

Mr. Getz – Is everyone familiar of where the site is? Because it is significant, it is the frontage of Mechanical Rubber and as proposed and according to the property lines, the northern edge of the building is very close to the American Legion building, surprisingly close, at least to me in the field. The Chairman and I paced off roughly where the building corners would be and it is a huge building. It does have the benefit of shielding what you could consider an eyesore with the Mechanical Rubber building so the Village is in favor of that concept, but, it is a huge building and we have a lot to deal with....

Mr. Winglovitz showed an architectural rendering of a bigger building but shows how the building may look.

Mr. Olsen – What kind of a structure is the garage?

Mr. Winglovitz – It is envisioned as a one-story garage structure where they would rent the space to residents, so as a resident if you wanted to rent garage space #13 you could rent that along with your unit and you would pay an extra \$100.00 per month, you get an enclosed garage space...

Mr. Olsen – Just storage on the second floor, no utilities, no possibility of having apartments up there...

Mr. Winglovitz – No just storage units. The idea is that most often people who move into apartments don't have room for storage and many people are empty nesters or are displaced for one reason or another.

Mr. Olsen – Is it individual access or...

Mr. Winglovitz – It would be an individual/private access. One of the reasons we went two stories as the concept was again, we wanted to shield them from Mechanical Rubber and it would be usable space. There are a lot of garages in a lot of these apt. projects.

Mr. Aulen – Then that would make that building a little bit more than just a garage, it is both a storage unit and a garage.

Mr. Olsen – I agree and this would not shield Mechanical Rubber from people on Forester just from the apartments?

Mr. Winglovitz – Correct.

Mr. Aulen – There doesn't appear to be a lot of room from the other house just the driveway which would have to be shared and we were extremely surprised how close we came to the American Legion building.

Mr. Olsen – Is this wide enough for trucks? I think they have trucks.

Mr. Winglovitz – Yes and we have actually taken our truck turning templates and went through the site so we can show you how it works.

Mr. Aulen – It is actually wide enough right now because there were vehicles parked on this side of the macadam.

Mr. Winglovitz – There would be a cross-easement agreement for access to the rear.

Mr. Olsen – This part is in the town and I suspect will stay that way.

Mr. Getz – What they are proposing is on a separate Village lot.

Mr. Olsen – So they will have Village services so they will have water and sewer because I know Mechanical Rubber gets water and sewer.

Mr. Getz – With the parking layout that they show, they actually exceed the minimum required parking. They show parking behind the main building, in front of the garage and also off to the southern side closer to Mechanical Rubber. So, they are certainly meeting the Village requirements as shown right now. The building location appears to be close to the road and sidewalk along Forester Ave. I believe that the Zoning Code calls for setbacks that are similar to nearby and adjacent buildings and this would be pulled up closer, so we would like to see you add the 2 houses on this plan also.

Mr. Aulen – The setback has to be the average of the houses in the area and you have a definite problem there because those houses appear to be setback quite a bit.

Mr. Winglovitz- We proposed that consistent with your Traditional Neighborhood Overlay design standards of which we are not in that district but we looking for something in the Village zoning that was kind of consistent with what we were proposing. So the idea is a traditional village style building such as you see on Main St. or on Railroad Ave., closer to the street, little porches, walkways connecting directly to the existing sidewalk, that was the concept.

Mr. Olsen – So it will look similar to something like Warwick Grove?

Mr. Winglovitz – Yes, they are similar.

Mr. Aulen – If possible I would like to see you get a further setback then 10ft. from the curb.

Mr. Winglovitz – We will see what we can do.

Mr. Aulen – Because everything else around there is single family residences with large front yards.

Mr. Winglovitz – Are immediate neighbors are but there are also multi-family, the American Legion and then down the road we have commercial properties.

Mr. Aulen – Yes, you it does appear that you are in the middle of everything.

Mr. Patterson – But even the commercial properties are not that close to the road.

Mr. Winglovitz – The old Agway is right on the street as well as the restaurant Coquito's.

Mr. Aulen – Yes but they were built a long time ago.

Mr. Olsen – Does this driveway serve that loading area?

Mr. Winglovitz – Yes.

Mr. Olsen – This is on your property, so you will have to make a driveway for them?

Mr. Winglovitz – Correct. There is pavement there now but we will formalize that and then make cross-easement agreements to access that.

Mr. Patterson – If you were to have a second building, where will you proposing it?

Mr. Winglovitz – What we were looking at was the potential to make 2 smaller buildings, for aesthetics and to break up the massing with kind of a walk way in between to contact it to the parking lot.

Mr. Aulen – Could you get the same number of units in those 2 buildings?

Mr. Winglovitz – Yes, but, we would need a lot more variances and that is why we went with the one building.

Mr. Getz – It sounds like you may need those variances...

Mr. Winglovitz – Yes, we will go for an interpretation or we can consider removing the garage.

Mr. Dickover – Are the entrances into these units going to be from the street side?

Mr. Winglovitz – Both sides.

Mr. Aulen – I would prefer two buildings because you break up the mass of the building.

Mr. Winglovitz – We did work with both ideas as a concept.

Mr. Charlton – There are a lot more variances required for two buildings and it really changes the code.

Mr. Olsen – Is there room for landscaping in the front?

Mr. Getz – It would be tight.

Mr. Winglovitz – It is a Village style street, so you will have some junipers and low lying shrubs, so yes.

Mr. Winglovitz – Procedurally, how do we move forward? How do I give my client some kind of reliability that they can move forward as proposed? Before the site plan gets more detailed and so forth there will be more money spent and before they get there they need to get to the ZBA but then I guess we run into a SEQR quandary, if we start SEQR and coordinate then we have to finish SEQR before we can go to anybody.

Mr. Getz – Can the ZBA do an uncoordinated review?

Mr. Dickover – Yes.

Mr. Getz – To me that would be the next step, this way you know whether you are going with one building or two.

Mr. Charlton – Without the Special Use Permit, everything we do would kind of be all for nothing, is there a way to go to the Village Board?

Mr. Dickover – You are already there.

Mr. Charlton – Can they vote on the Special Use before we do this whole planning process?

Mr. Aulen – No.

Mr. Winglovitz – The ZBA we can do first but the Special Use and the Site Plan we would have to do simultaneously.

Mr. Patterson – Personally I would like to see more room in the front and dividing it into two building would definitely give the appearance of more room in the front. What about the AC units, are they in the front?

Mr. Charlton – The plan will be to screen them all in the rear.

Mr. Patterson – Even for the six units in the front?

Mr. Charlton – We are hoping the units will be front to back.

Mr. Winglovitz – Or the side.

Mr. Aulen – These will be affordable housing?

Mr. Charlton – For the Village yes, I mean they will be market rent.

Mr. Getz – If it is going to be the one large building, there is quite an elevation difference between each end. Will you have a walk out?

Mr. Winglovitz – We would step the building.

Mr. Getz – So the roof line would step down too?

Mr. Winglovitz – Yes.

Mr. Getz – Construction of this building will eliminate parking areas that historically have been available for the American Legion even though it was not on American Legion property. This is not really a Planning Board issue but...

Mr. Winglovitz – They are aware of it, my clients met with the Legion to discuss trying to work with them to help them resolve that problem going forward.

Mr. Charlton – We think there is additional land on the Legion's property in the rear where they can access more parking.

Mr. Patterson – Are you going to pave it for them?

Mr. Charlton – There is really no agreement...

Mr. Winglovitz – But they have met.

Mr. Getz – Part of the Mechanical Rubber building is on this site which would make it an encroachment so that will need to be addressed as the project goes forward.

Mr. Winglovitz – Would this Board refer us to the ZBA or do we go directly to the ZBA?

Mr. Aulen – You need to be referred to the ZBA.

Mr. Dickover – I think this Board could write a letter referring you.

Mr. Aulen – Unless this is your final design, you may need to be further along.

Mr. Winglovitz – We will take into consideration what we have talked about and come back to the Board and then proceed to the ZBA.

Mr. Olsen – What is the width of the building?

Mr. Winglovitz – About 70ft. x 215ft.

Mr. Dickover – On this application there are going to be other involved agencies and this Board this evening can resolve to conduct a coordinated review and circulate its Notice of Intention to be Lead Agency.

A MOTION was made by Jim Patterson, seconded by Bill Olsen and carried to conduct a coordinated review with the Village Board and the Zoning Board of Appeals with the Intent to be Lead Agency. (4 Ayes)

Mr. Getz – Will this be considered service connections? Will you need an Orange County Health Dept. approval for a water main ext.?

Mr. Winglovitz – It would be a service connection unless we provide a hydrant. If a hydrant is required then it needs a water main ext. approval.

Mr. Getz – At some point we will need to talk to the Fire Dept.

28 CHURCH ST.

SITE PLAN APPROVAL  
SOLAR PANELS

WARWICK VALLEY BBA

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Mr. Getz – Earlier we reviewed this for the Village Board for the Special Use Permit and we had some technical comments back several months ago and those were addressed. A decommissioning plan was provided. We are requesting the input from the Fire Dept. to make sure they are aware of the plan and to see if they have any concerns.

Secretary – It was sent to them on February 9, 2018 for comments.

Mr. Aulen – Mr. Getz and I discussed it with the Fire Dept. the other day.

Mr. Getz – Yes, we met with them here at Village Hall the other day but he had not seen any information yet.

Mr. Griegs – He has a copy of the map and the letter and we asked for any comments to either go to us or to the Board directly.

Mr. Getz – From your point of view are there concerns that the Fire Dept. needs to know about with a system like this.

Mr. Schluter – The dis-connect is at the service. When utilities are cut they can not generate. If there is a fire they cut the electrical service to the building and then the solar can't generate, it is impossible to generate without being grid connected. The inverters don't connect it.

Mr. Olsen – Is there any problem with the men on the roof if there is a fire?

Mr. Getz – I don't believe so.

Mr. Schluter – And since it is not a fuel load you could argue that it even dampens it and doesn't allow because they are basically flat mounted.

Mr. Getz – The Board of Trustees needs to issue a Special Use Permit for this and at the previous meeting we discussed a joint public hearing with the Village Board.

Mr. Dickover – I will speak with the Village Board attorney.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to have a joint public hearing with the Village Board. (4 Ayes)

Mr. Greigs – We just want to make it clear that these panels are only going to be about 9.8inches high.

Mr. Schluter – We also have high parapets on the building that shield all of the HVAC.

Mr. Patterson – How do you access the roof?

Mr. Schluter – There is a hatch, that comes up through maintenance.

Mr. Olsen – How much power will it produce?

Mr. Schluter – About 40% or 200KW

Mr. Dickover – Have we received anything from the Fire Dept.

Secretary – No, not yet.

#### **DISCUSSION** - 132 SOUTH ST. EXT. – NEW FIRE HOUSE

Mr. Aulen – The other day we had a meeting with the Fire Dept. about their new Fire House on South St. We discovered a few things that appear to me omissions or errors in our zoning.

Mr. Getz – The architect asked for the definition of Building Height and I could not find it in the Zoning Code. It appears to have been omitted and the Planning Board secretary found it in a previous version of the code where it is clearly listed in the definitions which somehow did not make it into the new Code.

Mr. Dickover – It was probably adopted and just never got printed.

Mr. Aulen – And in the Use Group it is listed as NA however we interpreted that it would be the same Use Group as the Ambulance Bldg. that was built there which was Use Group B and the applicant agreed to use it as their guideline. The building appears to be very nice but will require a lot of variances and they are already in contact with the DEC because they are near the wetland buffer.

Secretary – Will a Special Use Permit be required?

Mr. Aulen – No, it is a permitted use.

A MOTION was made by Jim Patterson, seconded by Jesse Gallo and carried to adjourn the meeting. (4 Ayes)

Respectfully submitted;

Maureen J. Evans,  
Planning Board secretary